

The Islamic Ruling Regarding Photography

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Source: The Islamic Ruling Concerning Tasweer p114-121 ¹

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...This issue is related to a previous research of ours. Many of the scholars of (the people of) Sunnah today hold the view that the image made by a camera is not the same as the image made by hand.

As for me, I am of those people who say that this differentiation between the picture made by hand and the picture made by camera is a contemporary literalist (dhaahiree) view – ie, inflexible thinking which has become a trial for those who differentiate between the picture made by hand and that made by camera.

But, what shall we do? Shall we say that these people are astray and have gone outside of the Qur'aan and Sunnah because they have differentiated between the picture made by hand and that which is made by camera, while that which is made by camera is still a picture made by hand. So, let them leave the camera to make a picture by itself. You will not be able to take a picture of anything except by using your hand.

It is a necessity for the photographer to direct the camera towards that which he wants to photograph. In the end, it is necessary for him to press or squeeze the button to snap the shot. Therefore, this is also a picture made by hand.

I have already said to some of those who have deviated from the correct position in the issue – as we see it – I said: You differentiate between this picture and that one, and say this one is forbidden (haraam) because it is made by hand – by pencil or pen or paint – and this is lawful (halaal) because it was made by camera, and they are exactly the same.

There are those who are called **artists**, as they claim to be. One of them may begin to produce a statue / idol (sanam) and may take days or perhaps months. Now it is possible, by just the push of a button and there will be a number of these statues reproduced. They will come out one after another, complete perfect statues.

I said to him: What is your view of this? Is this permissible? He said: It is not permissible. I said: But, this was not made by hand. It was made by a machine or instrument. So, he was stumped, unable to respond.

What is the intention of all this? We are still not able to say that these people are astray. But, we only say: perhaps he made Ijtihaad (he struggled to find the truth) and missed the mark; that is as long as he remains with us, following the Qur'aan and Sunnah. As for those who may state clearly that they are not seeking the judgement from the Qur'aan and Sunnah, but are instead following the position of their Imaam or Shaykh or something like that – then, these have clearly went out from the Qur'aan and Sunnah.²

¹ [original source: The Islamic Ruling Concerning Photography, Conversation With Shaykh Al-Albaanee (audio cassette)]

² Those who refuse to follow the Qur'aan and Sunnah are only following the ways of the disbelievers and pagans of the past whom Allaah spoke about in the Qur'aan. Allaah, the Most High, said: "[Say (O Muhammad)] to these idolaters (pagan Arabs) of your folk:] Follow what has been sent down unto you from your Lord [the Qur'aan and the Prophet

How did the camera reach this state (in its development), so that just by pressing a button a picture comes out in one minute? How did it reach this level? By dreams! Or by work? It reached this level by (the work of) the **hand**. So, this is why I said: contemporary literalist (dhahiree).

I didn't want to get into details in this issue because that which we mentioned was only in passing, since the original question wasn't about this matter. But, if you want to go into detail, then I would say: This is like the saying of some of the literalist (who say): 'the Messenger of Allaah (peace and blessings of Allaah be upon him) prohibited anyone to urinate in stagnant water. It is prohibited to urinate in it directly. But, if someone urinated in a vessel, then poured the urine from that vessel into the water – this is permissible.'

Why? Because it is not considered, linguistically from the literal expression of the hadith, that he urinated in stagnant water. He urinated in an empty vessel. Therefore, it is not considered [by the literalist] that he urinated in stagnant water. So, if he urinated in an empty vessel, then poured this urine from the vessel which was empty and then became filled with urine – if he pours this urine in stagnant water, then the literalist say this is permissible.

I am amazed by the intellect of a man, a respected scholar, who knows the principles, the fundamentals and the branches (of fiqh) saying something like this. What is the difference between one who urinated directly (in the water) and one who urinated indirectly (in the vessel)? What is the difference between the one who urinates in a pond whose water is called maa' as-samaa' from the rain. They say this is not permissible, because it is stagnant water...

What is the difference between this and if we connect to this river, this pure water, a tube or a pipe-line. Then the urine goes through the pipe-line until it reaches the water. What is the difference between the two? This is just stagnant thinking. This is a form of the same thing; except this is contemporary, and that is from a time that has passed.

Just as we used to think that the Mu'tazilah³ were gone, that their affair and their deviation was all gone; suddenly we see them coming out today, but with other names.

We used to think that the khawaarij⁴ were also finished. Then suddenly here they are again, but in the name of the Qur'aan and Sunnah. And so it is!

In the issue of the camera, it is necessary that we should not be unmindful. First of all, it was created and designed by the hand; and not by one hand, but by so

Muhammad's "Sunnah"]' and follow not any 'AWLIYAA' [protectors and helpers, etc. who order you to associate partners in worship with Allaah], besides Him (Allaah). Little do you remember!" [al-A'raaf: verse 3]

Allaah, the Most High, also said: "When it is said to them: Follow what Allaah has sent down they say: Nay! We shall follow what we found our FATHERS following. (Would they do that!) Even though their fathers did not understand anything nor were they guided?" [al-Baqarah verse 170]

³ al-Mu'tazilah: a deviant sect who held – among other false beliefs – that a Muslim is in a state between Islam and disbelief (baina manzilatain) if he commits a major sin, such as drinking alcohol, dealing in interest (ribaa), fornication and adultery, or making images (pictures or statues), etc. As for his position in the hereafter, they believe that he will remain eternally in the Hell-Fire, which is essentially the same as the belief of the Khawaarij.

⁴ al-Khawaarij: another deviant sect who declare a Muslim to be a disbeliever (kaafir), and say that he will be punished in the Hell-Fire eternally for the commission of a major sin.

many hands. And how many people have worked to improve it until it reached its present stage.

You should have seen the camera in the early days, when it was necessary to develop the picture by soaking it in different solutions, and work with it until the image becomes visible. Now, nothing remains except to squeeze the button and the picture comes out showing the person as he is exactly.

But, why did we look at the **means**⁵ (camera) and not look at the **goal** (picture)? The picture (for example) made by hand, of a naked woman, and the one made by a camera, of a naked woman – what is the difference between the harm of this one and that one?

There is no difference at all! So, what inflexible intellect and stagnant thinking it is to say that this picture is forbidden because it was made by pencil or by pen or paint, but as for this one, it was made by camera, (so it's not forbidden). As long as the effect is the same, i.e., the corruption and harm from these two pictures is the same.

[Here someone asked, what is the difference between the still photograph and the motion picture on television. Is there any difference between the two?]

Shaykh al-Albaanee responds:

We don't see any difference between the two. The important thing is that we believe that Allaah has not made anything forbidden except because of what is in it of harm. This harm could be apparent and obvious to some of the people, and it could be hidden from some of the people. By this we mean that it is incumbent for the Muslims to submit to the Islamic judgement, whether the wisdom of it is apparent to him or hidden from him.⁶

Pictures have been forbidden! So (one might ask) why have pictures been forbidden? The reason has clearly been mentioned in some of the hadith. It is because of mudaahaat li-khalqi-llah (the attempt by some people to imitate the creation of Allaah, to make something like Allaah's creation). And this is what you have just previously hinted at.

Some of the scholars have mentioned another reason (for the prohibition of images), and that is that it was the cause of misguidance and corruption of some of the previous nations. So, we are able to say: Verily, the prohibition of images has two causes or reasons.

The first is because of the mudaahaat li-khalqi-llah. The second is because of what is called sadd adh-dharee'ah (closing the ways or means to something harmful), since this picture might one day be the cause of some people deviating from at-Tawheed (the worship of Allah Alone).

Allah has mentioned this in the Qur'aan in the history of Nooh (Noah, peace be upon him) and his people who said to him, when he invited them to the worship of Allaah Alone:

⁵ The rule which applies to this case, in Usool al-Fiqh, is that "the **means** falls under the same ruling as the **goal**." So, if the goal is something forbidden (haraam), then the MEANS to it also becomes forbidden (haraam)

⁶ See: Saying of Imam Az-Zuhree note 171

And they have said: you shall not leave your gods, nor shall you leave WADD, nor SUWAA', nor YAGHOOTH, nor YA'OOQ, nor NASR (names of the idols), and indeed they have led many astray...[Nooh 71:23,24]

See the saying of Ibn Abbaas (may Allaah be pleased with him and his father), as narrated in Saheeh al-Bukhaaree ⁷ and the tafseer of Ibn Jareer ⁸ and others besides them, that these five were righteous servants of Allah. Then, the accursed Shaytaan came to their people and made (their actions) fair-seeming to them.

The first thing he made fair-seeming to them was their deviation from the path that they were on previously, to not bury these five men in the cemetery where they used to bury their dead. Instead, they should bury them among their homes. Shaytaan made this evil act seem good to them to lead them off the straight path. He never comes with anything until he makes it appear good in the minds of the people whom he wants to lead astray...

As they say today when justifying the erection of statues in the Main Square: [This is] so that the people would be reminded, when they pass by these statues, of their heroes whose persons the statues represented. The people would wish to be like them. In this way Shaytaan suggested to them to put their graves amongst their houses, so that they would be reminded of them and their righteous deeds and make them the focus of their attention.

Then a generation passed, and the second generation came, so he suggested to them that these graves, if rain and floods came, might carry away the graves – so take them to a place of honour and make statues of them. In this way Shaytaan takes the people little by little and leads them to evil in such a way that they don't notice it. The same way that it is said in some countries there are people who walk with fire under their feet and they don't feel anything.” ⁹

So what is the difference [between the two pictures, one made by the hand and the other made by the camera] from the perspective of al-mudaahaat li (the attempt to imitate Allah's creation) – which is the first cause of the prohibition of images that is mentioned in the text of the hadith ¹⁰ – and from the perspective that images are prohibited because of what is called sadd adh-dharee'ah (closing the ways and means to evil or harm)?

The picture which is harmful – whether its harm is to someone's character (from immoral pictures) as was just mentioned; or the picture from which we fear someone may be exalted in the way that only Allaah should be exalted – there is no difference between whether it was made by hand or by camera.

But, some people feel that in the camera there is no “mudaahaatan li.” But, I say the “mudaahaatan” (imitation) is more so. That is because, if you brought an expert artist, and put someone in front of him, and he draws everything that his sight can see – however strong his sight might be, there might still be a strand of hair that he doesn't see with his eye. So that will escape him, and not appear in his picture.

⁷ al-Bukhaaree 6/414, 415 no.442

⁸ Ibn Jareer: Abu Ja'far Muhammad Ibn Jareer at-Tabaree: Imaam of the scholars of Tafseer. He died in the year 310 A.H. His boofk of tafseer is entitles Jaami' al-Bayaan fi Ta'weel al-Qur'aan. See 12/254, no.35027

⁹ Just as these people walk on **fire** and don't feel any pain or the heat of the fire, so also it is that Shaytaan (la'natu-llah alayhi – Allah's curse be upon him) causes the people to fall into sin, shirk and innovation, and they don't even realize it.

¹⁰ Al-Bukhaaree 6/414, no.442

As for the photograph, nothing at all escapes it. It captures the person in the same way that Allah formed him, exactly as Allah created him. So, how can it be said, about this camera which is made and operated by **hand**, that there is no mudaahaatan li. No, the camera is much more so!

The proof is that you find some pictures of some of the rulers and kings – Hussain here – for example, and other than him: it is possible that the cloth which the picture is painted on is twelve (12) feet, very high [while he is a small man].

So, if you looked at the picture, the photograph, you will find a big difference between this picture made by a camera and that which is made by paint on cloth. Which of them is more detailed and exact? That which is made by camera, or that which is made by paint and brush? Subhaan Allah! ¹¹ Here the "mudaahaatan" (imitation) is more.

Therefore the camera and the making of pictures by it is more dangerous than making pictures by hand. Especially since the camera can produce a number of pictures in a matter of moments, while the artist may spend day and night to produce one picture.

[Someone here asked: If someone looks in the mirror and his image is reflected in the mirror and he looks at that image – is this considered "mudaahaatan li" (an attempt to imitate Allah's creation)?]

Shaykh al-Albaanee responds:

No, Baaraka-llahu feek - may Allah bless you. But, we will say that if that image was captured and given permanent form (like on film), then it would have become a picture. As for this image in the mirror, I know that the scholars of the Muslims used to look at themselves in the mirror and arrange their hair.¹² So, this is a case of incorrect comparison (qiyaas ma'a-l-faariq - comparing something with that which is not similar to it). This image (in the mirror) is not **permanent**.

[Here someone began to compare the image in the mirror to television and video.]

Shaykh al-Albaanee responds:

...You were saying what is the difference between the reflection in the mirror and television or video. We say the difference is very much. We say to you now; stand in the mirror; come now and give me the image which you saw in the mirror. You are not able to do so. But, if it was given permanent form, it would

¹¹ Subhaan Allah: Here it is used to express wonder at the thinking of those who differentiate between hand-made pictures and those made by camera. It is a term normally used as a means of expressing the greatness, glory and perfection of Allah, in contrast to the imperfection of the human being. It means: Allah is free of any defect or imperfection attributed to Him!

¹² The supplication which is often mentioned in books of supplication to be said when looking in the mirror: "Allahumma kamaa hassanta khalqee fa-hassin khuluqee – O Allah! Just as You have made my physical form good, so also make my character good" – It's wording has been authentically reported in the Musnad of Ahmad 6/68 and 165; but the narrations which mention that it was to be said specifically when looking in the mirror are not authentic. Therefore, it should not be said that this supplication is legislated when one is looking in the mirror. Instead, it may be said at any time. [Irwa' al-Ghaleel 1/113-116, no.74]

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become like a video and be forbidden. The harm comes from it having **permanent form**, not from that which has no permanence.